

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
Case No. 5:22-cv-161

VALERIE ARROYO,	)	
	)	
Plaintiff	)	REPLY MEMORANDUM OF LAW IN
	)	SUPPORT OF DEFENDANT STATE OF
v.	)	NORTH CAROLINA'S
	)	MOTION TO DISMISS
STATE OF NORTH CAROLINA;	)	(Fed. R. Civ. P. 12(b)(1), (2), and (6))
UNITED STATES,	)	
	)	
Defendants.	)	

NOW COMES Defendant, State of North Carolina (the “State”), by and through undersigned counsel, and respectfully submits this brief reply in further support of its Motion to Dismiss Plaintiffs’ Complaint pursuant to Rules 12(b)(1), (2), and (6) of the Federal Rules of Civil Procedure [D.E. 30].

The State demonstrated in its memorandum of law filed in support of its Motion to Dismiss [D.E. 28] that Plaintiff’s Complaint should be dismissed on the basis of sovereign immunity, for lack of subject matter and personal jurisdiction, and for failure to state a claim upon which relief can be granted. Plaintiff, in her response, has failed to present any legal basis (or otherwise) to defeat the State’s motion. In fact, Plaintiff’s response establishes that the State’s motion should be granted in full.

Accordingly, the State stands on its previously filed memorandum of law.

**CONCLUSION**

For the foregoing reasons and the reasons previously stated in the State’s Memorandum in Law in Support of its Motion to Dismiss, Defendant, State of North Carolina, respectfully requests

that this Court grant its Motion to Dismiss, with prejudice, and dismiss all of the Plaintiffs' claims against it.<sup>1</sup>

This the 15th day of June, 2022.

JOSHUA H. STEIN  
ATTORNEY GENERAL

/s/ Matthew Tulchin  
Matthew Tulchin  
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<sup>1</sup> Plaintiff also filed a “Motion for Preliminary Injunction” with her Complaint. That motion should be denied for all the reasons previously set forth.

## **CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.2, the undersigned counsel hereby certifies that the countable portion of the foregoing Memorandum, including body, headings, and footnotes, contains less than 500 words as measured by Microsoft Word.

This the 15th day of June, 2022.

/s/ Matthew Tulchin  
Matthew Tulchin  
Special Deputy Attorney General

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served the foregoing REPLY MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT STATE OF NORTH CAROLINA'S MOTION TO DISMISS in the above-captioned case on all parties to this cause by electronically filing the foregoing with the Court using the CM/ECF system.

This the 15th day of June, 2022.

/s/ Matthew Tulchin  
Matthew Tulchin  
Special Deputy Attorney General